

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/720,025 Confirmation No. 3169
Applicant : Chaikof et al.
Filed : Nov. 21, 2003
TC/A.U. : 1656
Examiner : Noakes, Suzanne Marie
For : Plastic and Elastic Protein Copolymers
Docket No. : 133-02
Customer No.: 23713

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF EFS-WEB FILING

I hereby certify that this correspondence is being
submitted with the USPTO EFS-WEB system on the
date indicated below.

July 7, 2010
Date

/ronaldfriedland
Ronald Friedland

**DECLARATION UNDER 37 CFR 1.132 BY:
VINCENT P. CONTICELLO;AND
ELIZABETH R. WRIGHT**

Sir:

We, Vincent P. Conticello and Elizabeth R. Wright, hereby declare as follows:

1. That we, along with Elliot L. Chaikof, Karthik Nagapudi, William T. Brinkman, Robert A. McMillan and Sonha C. Payne, are inventors of U.S. Patent Application No. 10/720,025 for "Plastic and Elastic Protein Copolymers", filed on November 21, 2003.
2. Vincent P. Conticello is currently a Professor of Chemistry in the Department of Chemistry at Emory University.
3. Elizabeth R. Wright is currently the Director of the Robert P. Apkarian Integrated Electron Microscopy Core and an Assistant Professor of pediatrics in the School of Medicine at Emory University.

4. We have read the rejections of the claims in the Office Action of January 8, 2010 for U.S. Patent Application No. 10/720,025 and understand the following reference has been cited as a basis of prior art rejections under 35 U.S.C. 102(a): Wright and Conticello (Adv. Drug Deliv. Rev., Oct. 2002, 54:1057-73 (the "Wright and Conticello reference").
5. Vincent P. Conticello and Elizabeth R. Wright are coauthors of the Wright and Conticello reference.
6. That Vincent P. Conticello and Elizabeth R. Wright contributed to the pending claims submitted herewith, specifically in the design and expression of the copolymers recited in the pending claims. In particular, Drs. Wright and Conticello are coinventors of the specific middle block and end block sequences recited in claim 1 in that, Drs. Wright and Conticello developed each of the claimed block sequences and combined the various blocks to obtain the recited copolymers. Accordingly, Drs. Wright and Conticello, based on their work in developing the various blocks of the copolymers and the copolymers formed from the blocks, are also inventors of the other claims depending from claim 1 that were rejected over the Wright and Conticello reference (including, e.g., claims 3-5, and 8-11, 33, 34, and 37-40).
7. In addition to conceiving the recited sequences, Drs. Wright and Conticello are also inventors of withdrawn claims, including directed to methods used to make the copolymers (claim 22), the corresponding nucleic acid sequences (claim 26) specifically for expressing nucleic acids that encode the recited copolymers.
8. Because we are the inventors of the subject matter being rejected over the Wright and Conticello reference, and we are the authors of the Wright and Conticello reference, the Wright and Conticello reference is not "by another" and should not be available as prior art under 35 U.S.C. 102(a).
9. I hereby declare that all statements made herein of my own knowledge are true, and all statements made on information and belief are believed to be true; these

statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under 18 United States Code §1001 and that such willful false statements may jeopardize the validity of the patent application or any patent issuing therefrom.

BY:



Vincent P. Conticello

July 2, 2010
Date

Elizabeth R. Wright

Date

GREENLEE, WINNER AND SULLIVAN, P.C.
4875 Pearl East Circle, Suite 200
Boulder, CO 80301
Telephone: (303) 499-8080
Facsimile: (303) 499-8089
Attorney Docket No. 133-02